

9 FAM 41.103 NOTES

(CT:VISA-809; 05-09-2006)
(Office of Origin: CA/VO/L/R)

9 FAM 41.103 N1 FORM DS-156, NONIMMIGRANT VISA APPLICATION

(CT:VISA-809; 05-09-2006)

Form DS-156, Nonimmigrant Visa Application, previously known as the OF-156, is the application form prescribed under INA 222(c). Posts may obtain Form DS-156, from the *A/ISS/DIR* Intranet site. The form is also available to the general public at *the consular affairs' travel Web site*.

9 FAM 41.103 N2 FORM DS-157, SUPPLEMENTAL NONIMMIGRANT VISA APPLICATION

(CT:VISA-809; 05-09-2006)

Form DS-157, Supplemental Nonimmigrant Visa Application, is required to be submitted with Form DS-156, by all male nonimmigrant visa (*NIV*) applicants between the ages of 16 and 45, regardless of nationality or place of application. All A, G, and NATO applicants, except for A-3, G-5, and NATO-7 applicants, are exempt from this requirement. Male A-3, G-5 and NATO-7 applicants between the ages of 16 and 45 MUST submit *Form* DS-157. Posts may obtain Form DS-157, from the *A/ISS/DIR* Intranet site. The form is also available to the general public at *the consular affairs' travel Web site*.

9 FAM 41.103 N2.1 Form DS-157 Used in Conjunction with Form DS-156

(CT:VISA-809; 05-09-2006)

Posts may, at their discretion, require any *NIV* applicant to submit Form DS-157, in conjunction with Form DS-156.

9 FAM 41.103 N3 FORM DS-158, CONTACT INFORMATION AND WORK HISTORY FOR NONIMMIGRANT VISA APPLICANT

(CT:VISA-809; 05-09-2006)

- a. In order to implement the provisions of Section 501(b) of the Enhanced Border Security and Visa Entry Reform Act of 2002, all applicants (including dependents) aged 16 and above who are seeking F and M visas are required to submit Form DS-158, Contact Information and Work History for Nonimmigrant Visa Applicant, in conjunction with Form DS-156, Nonimmigrant Visa Application. In addition, all J visa applicants (and dependents) aged 16 and above seeking to attend an approved institution of higher education must submit Form DS-158. J-1 exchange visitors normally not required to submit a Form DS-158, include alien physicians, camp counselors, government visitors, international visitors, professors, research scholars, short-term scholars, specialists, teachers, and trainees. Descriptions of Exchange Visitor Program categories can be found at 9 FAM 41.62. If an exchange visitor intends to take courses at an institution of higher education, a Form DS-158, is required.
- b. Posts may obtain Form DS-158, from the *A/ISS/DIR* Intranet site. The form is also available to the general public at *the consular affairs' travel Web site*.

9 FAM 41.103 N4 RETENTION OF FORM DS-156, NONIMMIGRANT VISA APPLICATION

(TL:VISA-544; 05-21-2003)

See 9 FAM Appendix F for instructions on the retention and disposition of nonimmigrant visa forms.

9 FAM 41.103 N5 DEFINITION OF "MAKING A VISA APPLICATION"

(CT:VISA-809; 05-09-2006)

For a *NIV* applicant, making a visa application means "submitting for formal adjudication by a consular officer of a completed Form DS-156, with any required supporting documents (including Form DS-157, and Form DS-158, if necessary) and the requisite processing fee or evidence of the prior payment of the processing fee when such documents are received and accepted for adjudication by the consular officer."

9 FAM 41.103 N5.1 What Constitutes Visa Application

(TL:VISA-544; 05-21-2003)

Information submitted for the sole purpose of scheduling an appointment does not constitute a visa application. A Form DS-156, Nonimmigrant Visa Application, submitted at the time an appointment is scheduled, however, does constitute an application if the scheduling process involves substantive actions or pre-screening.

9 FAM 41.103 N6 APPLICANT TO PROVIDE ALL NAMES BY WHICH KNOWN

9 FAM 41.103 N6.1 Applicant's Names to be Entered on Form DS-156, Nonimmigrant Visa Application

(TL:VISA-544; 05-21-2003)

- a. An applicant's first, middle and family names should be recorded on Form DS-156, exactly as they appear in the applicant's passport. In addition, the application should include any other names by which the alien has ever been known; for example, maiden, religious, or professional name, or aliases. The applicant's name must also be provided not only in English phonetics but also in the native linguistic characters, that is, Chinese, Arabic, etc., if required for clearances.
- b. In certain cultures, an applicant may not have a first name, but only a surname. In such cases please refer to 9 FAM 41.113 PN1.3.

9 FAM 41.103 N6.2 All Names to be Included in Advisory Opinion Requests

(CT:VISA-809; 05-09-2006)

All names by which an alien has been known should be included in reports or requests for advisory opinions submitted to the Department (*CA/VO/L/A*).

9 FAM 41.103 N7 APPLICATION BY ALIEN UNABLE TO WRITE

(TL:VISA-347; 01-15-2002)

If the applicant is illiterate or is, otherwise, unable to provide a signature, the placing of the applicant's mark in the space provided on Form DS-156, for signature is acceptable, if done in the presence of the consular officer.

9 FAM 41.103 N7.1 When Forms Are Completed by Other Than Applicant

(TL:VISA-544; 05-21-2003)

Form DS-156, Nonimmigrant Visa Application, for an alien under 16 years of age, or one who is physically incapable of completing an application, may be completed and executed by the alien's parent or guardian. If the alien has no parent or guardian, then the forms may be completed by any person having legal custody of, or a legitimate interest in, the alien.

9 FAM 41.103 N8 CONSULAR OFFICER MUST INITIAL APPLICATION

(TL:VISA-544; 05-21-2003)

The examining consular officer is required to initial all application forms. The initials indicate that the initialing officer determined the eligibility and proper classification of the applicant, unless the visa is refused and a notation of the refusal is made on the application.

9 FAM 41.103 N9 LIMITING APPLICATIONS FROM PREVIOUSLY REFUSED APPLICANTS

(CT:VISA-809; 05-09-2006)

Posts that receive numerous *re-applications* from *previously* refused applicants may request the Department's concurrence to institute a written policy limiting requests for appointments from previously refused applicants. Posts using or interested in establishing re-application policies for previously refused applicants must adhere to guidelines established in 9 FAM 41.103 PN6.